

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and sole joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

AUTOMATIC REFERENCE-PRESSURE BALANCE METHOD

the specification of which: (check one)

 X is attached hereto.
 was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Attorney Docket No.: 26163.2

09/137,354
Application No.

August 20, 1998
Filing Date

Pending
Status

60/056,821
Application No.

August 22, 1997
Filing Date

Inactive
Status

POWER OF ATTORNEY: As a named inventor, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jeffrey M. Becker	Reg. No. 35,442	Michael Balconi-Lamica	Reg. No. 34,291
James R. Bell	Reg. No. 26,528	Todd Mattingly	Reg. No. 40,298
Michael S. Bush	Reg. No. 31,745	David L. McCombs	Reg. No. 32,271
Randall E. Colson	Reg. No. 40,566	David M. O'Dell	Reg. No. 42,044
Michael A. Davis, Jr.	Reg. No. 35,488	Phillip B. Philbin	Reg. No. 35,979
Ruben C. DeLeon	Reg. No. 37,812	Brandi W. Sarfatis	Reg. No. 37,713
Timothy Headley	Reg. No. 31,765	David O. Simmons	Reg. No. 43,124
Rita M. Irani	Reg. No. 31,028		
Warren B. Kice	Reg. No. 22,732		

Send correspondence to David L. McCombs, Haynes and Boone, LLP, Suite 3100, 901 Main Street, Dallas, Texas 75202-3789 and direct all telephone calls to David L. McCombs at 214/651-5533.

FULL NAME OF INVENTOR: Danny Kenny Kenny ^{TR} ^{FL}

INVENTOR'S SIGNATURE: Danny Kenny

DATED: 8/18/99

RESIDENCE: 1815 Westside Drive, Sherman, Texas 75092

CITIZENSHIP: United States of America

POST OFFICE ADDRESS: 1815 Westside Drive, Sherman, Texas 75092

FULL NAME OF INVENTOR: Keith Lindberg

INVENTOR'S SIGNATURE: Keith Lindberg DATED: 8-18-1999

RESIDENCE: 1900 West Taylor, #503, Sherman, Texas 75092

CITIZENSHIP: United States of America

POST OFFICE ADDRESS: 1900 West Taylor, #503, Sherman, Texas 75092

d-678041.1

05902789-04404

APPLICANT or PATENTEE: MOS EPI, Inc.

Serial or Patent No.: N/A

Attorney's Docket No. 23137.3

Filed: August 22, 1997

For: AUTOMATIC REFERENCE-PRESSURE BALANCE METHOD

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN MOS EPI, Inc.

ADDRESS OF CONCERN 106 Highway 11, Sherman, Texas 75090

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is in the average over the previous fiscal year of the concern of the persons employed on a full-time, parttime or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled AUTOMATIC REFERENCE-PRESSURE BALANCE METHOD described in:

- ☐ the specification filed herewith.
☒ application serial no. 60/056,821, filed August 22, 1997.
☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

FULL NAME N/A

ADDRESS

INDIVIDUAL
SMALL BUSINESS CONCERN
NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jerry D. Smith

TITLE OF PERSON IF OTHER THAN OWNER President/CEO

ADDRESS OF PERSON SIGNING 106 Highway 11, Sherman, Texas 75090

SIGNATURE: Jerry D. Smith

d:442229.1

DATE: 12/26/97